



# UNITED STATES PATENT AND TRADEMARK OFFICE

CH  
UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,050	07/25/2003	Gary Matroni	P-6256U2 SLDZ 2 00312	3796
7590	10/05/2004			EXAMINER GORDON, RAEANN
Michelle Bugbee, Esq. The Top-Flite Golf Company, Inc. 425 Meadow Street PO Box 901 Chicopee, MA 01021-0901			ART UNIT 3711	PAPER NUMBER
			DATE MAILED: 10/05/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/627,050	MATRONI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Raeann Gorden	3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1)  Responsive to communication(s) filed on 25 July 2003.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4)  Claim(s) 1-51 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-51 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892) . . . . .  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) . . . . .  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/17/03; 2/12/04.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. . . . .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: . . . . .

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 6-28, 32-40, 42-47, and 49-51 are rejected under 35 U.S.C. 102(e) as being anticipated by Wu et al (6,645,091). Regarding claims 1 and 6-8, Wu discloses a golf ball comprising a core and cover made from polyurethane. The polyurethane includes a diisocyanate. With respect to the melt index prior to molding, the limitation appears to be a method step, which does not further limit the golf ball. Furthermore it appears as if the melt index is different once the golf ball is produced. Regarding claim 9, Wu discloses the golf ball includes an intermediate layer (abstract). Regarding claim 10, the diisocyanate may be MDI (col. 7). Regarding claims 11-18, Wu discloses a golf ball comprising a core and cover made from polyurethane. The polyurethane includes a diisocyanate. The cover has a Shore D hardness from 30 to 60 (col. 11). With respect to the melt index prior to molding, the limitation appears to be a method step, which does not further limit the golf ball. Regarding claims 19-21, Wu discloses the cover layer should have a flexural modulus from 500 to 150,000 psi and the polyurethane of the present invention is relatively soft, which indicates the lower end of the range is

applicable (col. 11). Regarding claim 22, Wu discloses the golf ball includes an intermediate layer (abstract). Regarding claims 23 and 26-28, Wu discloses a golf ball comprising a core and cover made from polyurethane. The polyurethane includes a diisocyanate. With respect to the increase in the melt index prior to molding, the limitation appears to be a method step, which does not further limit the golf ball. Wu further discloses the cover layer should have a flexural modulus from 500 to 150,000 psi and the polyurethane of the present invention is relatively soft, which indicates the lower end of the range is applicable (col. 11). Regarding claim 24 and 25, the method by which the melt index is increased prior to molding is clearly a method step that does not affect the final product. Regarding claims 32-34, Wu further discloses the cover layer should have a flexural modulus from 500 to 150,000 psi and the polyurethane of the present invention is relatively soft, which indicates the lower end of the range is applicable (col. 11). Regarding claims 35-38, the cover has a Shore D hardness from 30 to 60 (col. 11). Regarding claims 39 and 40, Wu discloses a golf ball comprising a core and cover made from a thermoplastic polyurethane. The polyurethane includes a diisocyanate. Wu further discloses the cover layer should have a flexural modulus from 500 to 150,000 psi and the polyurethane of the present invention is relatively soft, which indicates the lower end of the range is applicable (col. 11). The cover may include more than one layer. Regarding claim 42, Wu discloses the golf ball includes an intermediate layer (abstract). Regarding claims 43 and 44, the diisocyanate may be MDI (col. 7). Regarding claims 45 and 46, Wu discloses a golf ball comprising a core and cover made from polyurethane. The polyurethane includes a diisocyanate. With respect to

the melt index prior to molding, the limitation appears to be a method step, which does not further limit the golf ball. Furthermore it appears as if the melt index is different once the golf ball is produced. Regarding claim 47 and 49, Wu discloses the golf ball includes an intermediate layer (abstract). Regarding claims 50 and 51, the diisocyanate may be MDI (col. 7).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-5, 29-31, 41, and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wu in view of Sullivan (6,210,293). Wu discloses the invention as shown above but fails to disclose the thickness of the cover layer. However, Sullivan teaches an outer cover layer with a thickness from 0.01 to 0.1 inch. One of ordinary skill in the art would have modified Wu in view of Sullivan for the desired durability.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raeann Gorden whose telephone number is 703-308-8354. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on 703-308-1513. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Rg  
October 1, 2004



RAEANN GORDEN  
PATENT EXAMINER